

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

IN RE:

NORMAN S. DILLARD AKA
NORMAN DILLARD

Case No. 15-38216
Chapter 13

Judge Carol A. Doyle

**AGREED ORDER PROVIDING FOR IN REM STAY RELIEF UPON
DEFAULT AND BAR TO RE-FILING**

THIS CAUSE coming on to be heard on the request of PROVIDENT FUNDING ASSOCIATES, L.P (hereinafter, "Creditor"), as to property located at 3935 W. Monroe Street, Chicago, IL, the Court having jurisdiction over the subject matter:

IT IS HEREBY ORDERED:

1. That the debtor shall make "timely" post-petition mortgage payments directly to the Creditor beginning with the first mortgage payment due after filing of the petition and continuing monthly thereafter for the pendency of the bankruptcy;
2. That a payment is considered "timely", if it is received in the office of Creditor on or before the 15th day of the month in which it is due (this provision applies only to the triggering of this order and does not affect what constitutes currency of the loan post-petition);
3. That if Creditor fails to receive two "timely" post-petition monthly mortgage payments and if the debtor fails to bring the loan post-petition current within fourteen (14) calendar days after mailing notification to the Debtor and her attorney, the stay shall be automatically terminated in rem (such that said property shall be the part of no bankruptcy estate and no automatic stay shall affect said property for a period of one hundred eighty (180) days from the date the stay lift is effective) as to Creditor, its principals, agents, successors and/or assigns as to the property securing its interest, upon filing of notice of same with the clerk of the court;
4. That the Debtor shall make "timely" payments to the trustee beginning with the first payment due the trustee under the plan and continuing monthly thereafter;

5. That a payment to the trustee is considered "timely" if the full monthly payment is received in the office of the standing trustee on or before the 15th day of the month in which it is due;

6. That if the Debtor fails to make two "timely" trustee plan payments and if the debtor fails to bring the Chapter 13 plan payments completely current within fourteen (14) calendar days after mailing notification to the Debtor and her attorney, the stay shall be automatically terminated in rem (such that said property shall be the part of no bankruptcy estate and no automatic stay shall affect said property for a period of one hundred eighty (180) days from the date the stay lift is effective) as to Creditor, its principals, agents, successors and/or assigns as to the property securing its interest, upon filing of notice of same with the clerk of the court;

7. Creditor's post-petition bankruptcy fees and costs are allowed and may be added to the indebtedness secured by the subject mortgage. These fees and costs have not been paid. Creditor will file a Notice of Post-petition Mortgage Fees under Rule 3002.1 for this amount;

8. That if this case shall be dismissed for any reason or if the case is discharged after modification of the automatic stay, the debtors shall be barred from filing a new petition under any chapter of the Bankruptcy Code for 180 days from the entry of said order. Further, if the stay was not previously terminated pursuant to paragraphs three (3) or six (6) the premises shall be the part of no bankruptcy estate and no automatic stay shall affect said premises for 180 days from the entry of said dismissal or discharge order;

9. In the event that Codilis & Associates, P.C. should have to send out any Notices of Default, Creditor may include up to \$100 per notice, as additional attorney fees, that the Debtor must pay in addition to whatever funds are needed to cure the default and that said additional funds must be tendered prior to the expiration of the cure period set forth in the Notice.

DATED: 2/25/16

ENTER:

UNITED STATES BANKRUPTCY JUDGE

Berton J. Maley ARDC#6209399
Rachael A. Stokas ARDC#6276349
Gloria C. Tsotsos ARDC#6274279
Jose G. Moreno ARDC#6229900
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